

PATENT

Serial No. 09/982,241

Amendment in Reply to Office Action mailed on January 17, 2006

REMARKS

This Amendment is being filed in response to the Office Action mailed January 17, 2006, which has been reviewed and carefully considered.

Claims 1-20 are pending in this application, with claims 1, 2, 5, 8 and 10 being the independent claims.

Reconsideration and allowance of the application in view of the following remarks are respectfully requested.

In the Office Action, claims 1-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,386,568 (Wold) in view of U.S. Patent No. 6,918,123 (Shteyn). It is respectfully submitted that independent claims 1-20 should be allowable over Wold and Shteyn for at least the following reasons.

Wold is directed to an apparatus and method for linking software modules. As correctly noted by the Examiner, Wold does not teach or suggest certain features recited in independent claims 1, 2, 5, 8 and 10. (See Office Action, pages 2-4 and 5-8)

Shteyn is cited in an attempt to remedy the deficiencies in Wold. It is respectfully submitted that Shteyn is available as prior art with regard to the present application only under 35

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U.S.C. §102(e), and is not available as prior art under §103(a) for the following reasons.

The present application was filed October 17, 2001, and thus has the benefit of the November 29, 1999, changes to 35 U.S.C. §103(c). Under 35 U.S.C. §103(c), (emphasis added) "Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The subject matter of Shteyn and the claimed invention are and were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s). Since, Shteyn has an issue date of July 12, 2005, which is after the U.S. filing date of October 17, 2001 of the present application, Shteyn is available as prior art with regard to the present application only under 35 U.S.C. §102(e). Accordingly, It is respectfully submitted that Shteyn is not available as prior art under §103(a).

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Accordingly, it is respectfully submitted that independent claims 1, 2, 5, 8 and 10 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3-4, 6-7, 9 and 11-20 should also be allowed at least based on their dependence from amended independent claims 1, 5 and 10.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to

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Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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